

ORIGINAL

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Petition for Rulemaking of the)	RM-11338
National Association of Broadcasters)	
AM Radio Stations use of FM Translators)	

To: The Commission

COMMENTS OF ANDREW W. HILGER

Andrew W. Hilger respectfully submits the following comments generally in support of the captioned petition of the National Association of Broadcasters ("NAB") to permit the use of FM translators by certain AM radio stations.

As described herein, Mr. Hilger submits that the NAB proposal, in all but one respect, is a reasonable means to restore the service which AM stations require to fulfill their public interest obligations to serve their audiences. This need is especially acute for religious broadcasters such as Mr. Hilger, who are attempting to fulfill a mandate to provide informational and inspirational programming to their audiences, but who are increasingly unable to do so as their resources relegate them to AM stations whose service areas are constantly shrinking, a problem for which the use of FM translators is an ideal solution.

Mr. Hilger's broadcast career is one of 50 years of service to the St. Cloud, Minnesota area, where he was the principal shareholder of WJON Broadcasting Company, L.P., licensee of stations WJON(AM) and WWJO(FM), St. Cloud, and KMXK(FM), Cold Spring, Minnesota. Among his achievements has been to develop and donate control of FM station KKJM, St.

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Joseph, Minnesota, to the Diocese of St. Cloud, Minnesota, which broadcasts with a Christian music format.

Mr. Hilger is committed to filling a pressing, unmet need for a complementary format of Catholic talk programming to serve this region, which is predominantly Catholic. This would include locally produced programs in which the Bishop could address issues of interests to parishioners, local parochial schools would present programs of student and general interest, and others with expertise in various areas of education, liturgy and family issues would share their knowledge with others throughout the Diocese. Such socially constructive programming is an essential alternative to the types of entertainment to which the majority of commercial stations devote the vast bulk of their programming.

Fulfillment of this objective, however, is particularly difficult in the Central Minnesota region where the Diocese covers an expansive area populated by many small towns. These towns each have a Catholic church, but the populations are insufficient to support a separate station themselves. However, taken together, they represent a cohesive community that would benefit by a common radio station devoted to these diocese communications and community-building objectives. Unfortunately, there are few remaining opportunities to build new FM stations, and the cost of buying an operating commercial station is prohibitive.

The only affordable stations for public service formats of this type tend to be AM stations, but, as NAB has outlined in its petition, such stations face intense coverage problems, which only promise to increase as interference levels continue to rise. Coverage deficiencies throughout the country are experienced during daytime hours, but are overwhelming at night, when heavy directionalization, power reductions and increased interference result in huge losses

of audiences that otherwise would benefit from, and come to depend upon, AM stations' program service, were it available full-time.

Mr. Hilger generally supports the NAB petition, as it would enable AM stations, and especially those with severe nighttime restrictions, to maintain the audiences who reasonably expect to receive a reliable signal on a full-time basis, of which the 2.0 mv/m daytime contour is a reasonable measure. Of particular relevance to Mr. Hilger's plan, the coverage area of most daytime AM signals would be sufficient to reach a diocese population and enable its communications objectives to be met. However, there is no reason to restrict translator eligibility to a lesser range of a 25 mile radius from the transmitter, as NAB has proposed. The purpose of the NAB proposal is to provide fill-in service so as to ensure reliable, continuous coverage within a station's expected service contour. (NAB Petition at 5-6, 14.) That contour is best defined by engineering-based predicted signal strength, not by an arbitrary mileage restriction. While FM translators should not be used to extend a primary station's normal service, it is an entirely appropriate use of this fill-in service to be able to provide reliable coverage to listeners who lose their AM coverage at night.

To advance his programming plans, Mr. Hilger anticipates construction or purchase of an AM station to serve as much of the Diocese as possible. However, the only AM stations that might be licensed in the St. Cloud Diocese area typically are required to sign off or reduce their coverage area by as much as 90% at night. Submitted as examples of this severe problem are the reach of two existing AM radio stations serving all or part of these communities with full power during the day but which are required to reduce power or sign-off at night. AM station "A" (licensed to Little Falls, Minnesota) reaches approximately 105 of the 138 parishes of the Diocese with a dependable daytime signal but, after local sunset, 77 of these communities lose

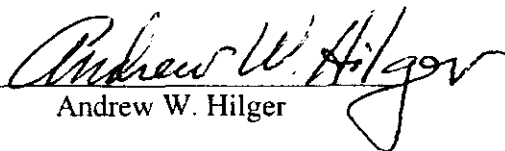
service from this station, including areas of significant population. AM Station “B” (licensed to Albany, Minnesota) reaches approximately 106 parishes but after local sunset loses approximately 68 of these communities, including areas of high population. Therefore, a substantial portion of the listeners who would be provided with a daytime Catholic radio service via a similar AM signal will essentially lose that AM service after local sunset. Those areas are predicted to include most of the communities of the St. Cloud Diocese, all of which have Catholic churches of significant size and whose parishioners, were they to receive such programming on a full-time basis, would likely benefit from the alternative programming the Diocese could provide. Ensuring coverage to these areas by means of FM translators, assigned in accordance with existing interference criteria, would not encroach upon service provided by other stations but would merely ensure that listeners within a primary station’s predicted service contour could, in fact, receive on a full-time basis the public service Mr. Hilger’s proposed AM station would be licensed to provide.

The Commission is under increasing pressure over a perceived lack of diversity in radio programming. The NAB proposal (modified to remove the 25 mile restriction) is well calculated to enable AM stations to resume their role as a primary force in making local creative alternative programming available to communities that currently can receive service only from the more lucrative mainstream stations. Moreover, the reality is that, despite Commission policies to the contrary, many of those mainstream stations have been moved or reoriented to nearby larger markets and are focusing on those markets even while their community of license remains a much smaller town. Mr. Hilger and others seek to fill the void that has been created by FM “move-ins” and provide such service, and AM stations remain the last and best hope for doing so. They are not seeking to fulfill a goal of delivering the best cost per thousand to advertisers.

They are seeking to deliver messages of information, hope and inspiration to, maybe, only hundreds. AM, as it used to be, could do that. But for the deficiencies of AM transmission in today's complex electronic environment, it still could. The impractical prices of other outlets remove them from the table.

The situation demands meaningful relief. The relief proposed by the NAB, modified as suggested here, will enable visionary broadcasters to restore AM to a position of reliable and meaningful service to its listeners in a way that expands listening choices and thereby fulfils the role broadcasters need to assume in enriching our society.

Respectfully Submitted,


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